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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,839	12/11/2000	Harold Aaron Ludtke	80398.P416	4722
7590	06/01/2004			EXAMINER MIZRAHI, DIANE D
Jeffrey S. Smith BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			ART UNIT 2175	PAPER NUMBER DATE MAILED: 06/01/2004 17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/734,839	LUDTKE ET AL.
	Examiner	Art Unit
	DIANE D. MIZRAHI	2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 November 2003 and 12 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

DIANE D. MIZRAHI
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2100

5/13/04

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 14 and 16.

- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) Notice of Informal Patent Application (PTO-152)
 6) Other: _____.

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III. DETAILED ACTION

Claims 1-23 are presented for examination.

In response to communications filed on 3-12-04, the Claims 1-23 are pending in the application.

Applicant's remarks are considered moot, and does not place the application in condition for allowance. Examiner asserts that "every limitation positively recited in a claims was given effect in order to determine what the subject matter that the claim defines" In re Wilder, 166 USPQ 545, 548 (CCPA 1970) and that Examiner believes that claims 1-23 are not allowable over the prior art of record cited in the Office Action dated 8-13-03 for the reasons set forth below.

Examiner has completed a through study of Applicant's request for reconsideration of 3-12-03. Especially, Applicant's arguments on pages 2-4 regarding claims 1-23.

Examiner asserts that Ulvinen et al. (US Patent No. 6,393,305 B1 and Ulvinen hereinafter) in combination with Bisbee et al. (US Patent No. 6,237,096 B1 and Bisbee hereinafter) teaches Applicant's s claimed invention of "receiving private access information associated with the authorized user from a remote source" (See Figure 2; column 4, lines 56-67; column 5, lines 1-28 in which private information reads on a bank account.) See also, Ulvinen's claim of

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"authorize or authenticate a user of wireless communication...authenticating the user to operate through a wireless communication" (Abstract); see also a user input device ... used for operating the mobile station....(col 3, lines 34-51); subscriber data to make a telephone call ... Mobile Identification Number and/or some authentication -related key or data... is only granted...) (Col 3, lines 52-67 to col 4, lines 1-3) and (col 3, lines 1-10). see

Examiner asserts that Ulvinen in combination with Bisbee teaches Applicant's invention. Therefore, Examiner respectfully submit that claims 1-23 are obvious to one of ordinary skilled in the art for the reasons stated above.

Applicant is inaccurate for the reasons explicitly stated in the first Office Action.

These reasons have been explicitly stated in the first Office Action. Please see the next section.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter

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sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulvinen et al. (U.S. Patent # 6,393,305) in view of Bisbee et al. (U.S. Patent # 6,237,096).

As to claims 1, 9 and 13, Ulvinen et al. discloses a method and an apparatus for communication (see column 1, lines 41-48, mobile telephone) comprising: means authorizing a user based on biometric information associated with the user (see column 1, lines 57-67) also see (i.e. to provide an improved biometric system, in particular a voice actuated recognition system, that relies on a random set of words and or images . . . to provide a mobile station having a speech transducer, and a method and apparatus to authenticate or authorize a user of a wireless telecommunication system to operate in, or through, or with a resource reachable through the wireless telecommunication system, only if the user's speech characteristics match pre-stored characteristics associated with word selected randomly from a training set of words) (col 1, lines 55-65); and means

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for enabling the authorized user to access private information over a voice network device (see column 4, lines 56-67 and see column 5, lines 1-28, private information reads on bank account, voice network device reads on mobile phone).

As to claim 2, Ulvinen et al. discloses further comprising establishing a connection between the voice network and a consumer access device (see column 3, lines 1-22, cellular telephone connects to PSTN).

As to claims 3, 10 and 14, Ulvinen et al. discloses wherein the consumer device is selected from the group consisting of digital wallet (DW) devices, personal computers (PCs), personal digital assistants (PDAs), electronic based organizers, watches, telephones, auto dialers, wireless telephones, set top boxes (STBs), video game consoles, remote control units, personal radio communication units, telematic communication devices, information panels, and kiosks. (personal communicator (column 3, lines 1-2) reads on digital wallet (DW) devices, personal digital assistants (PDAs), electronic based organizers, watches; data communication network (column 2, lines 40-41) reads on personal computers (PCs), set top boxes (STBs), video game counsels, information panels, kiosks; wireless telecommunication network (column 3, lines 4142) reads on remote control units, personal radio communication units, telematic communication

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devices; mobile telephone (column 1, line 42) reads on telephones, auto dialers, wireless telephones).

As to claim 4, Ulvinen et al. discloses further comprising enabling the authorized user to conduct a transaction using the consumer access device (see column 4, lines 56-67 and see column 5, lines 1-28, access bank account).

As to claim 5, Ulvinen et al. discloses further comprising: accessing the remote data through a privacy clearing house (see column 5, lines 1-28, Fig. 3); and transferring the remote data (see column 5, lines 1-28, signals the bank if the user is authorized or not).

As to claim 6, Ulvinen et al. discloses wherein the remote data comprises: a password associated with the authorized user (see column 4, lines 22-49, image of a tree and the reply of birch along with SRF implies a password associated with the authorized user).

As to claim 7, Ulvinen et al. does not teach wherein accessing further comprises establishing a secure communication channel using Public Key Infrastructure (PKI).

Bisbee et al. teaches wherein accessing further comprises establishing a secure communication channel using Public Key Infrastructure (PKI) (see column 2, lines 13-21).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ulvinen et al. by the teachings of Bisbee et al. to include wherein accessing further comprises establishing a secure communication channel using Public Key Infrastructure (PKI) with the motivation to ensure that the party originating a document is electronically identifiable (Bisbee, col 2, lines 13-21).

As to claim 8, Ulvinen et al. discloses an apparatus comprising: a biometric device to identify an authorized user based on biometric identification associated with the user (i.e. to provide an improved biometric system, in particular a voice actuated recognition system, that relies on a random set of words and or images . . . to provide a mobile station having a speech transducer, and a method and apparatus to authenticate or authorize a user of a wireless telecommunication system to operate in, or through, or with a resource reachable through the wireless telecommunication system, only if the user's speech characteristics match pre-stored characteristics associated with word selected randomly from a training set of words) (col 1,

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lines 55-65); (see column 1, lines 57-67); and a consumer access device connected to the biometric device (see column 3, lines 53-63, mobile phone with SRF) to enable the authorized user to access remote data associated with the authorized user over a voice network (see column 4, lines 56-67 and see column 5, lines 1-28, restricted information reads on bank account, voice network device reads on mobile phone).

As to claim 11, Ulvinen et al. discloses a machine-readable program (see column 3, lines 46-53, operating program in the mobile unit); storage medium tangibly embodying a sequence of instructions executable by a machine to perform a method for communicating, the method comprising: authorizing a user based on biometric identification information associated with the user (see column 1, lines 57-67); receiving private access information associated with the authorized user from a remote source (i.e. to authenticate users for other locations. For example, assume that the user of the mobile station 10 telephones the bank 38D and wishes to access an account.) (col 5, lines 13-28) and enabling the authorized user to access remote data (i.e. (i.e. to authenticate users for other locations. For example, assume that the user of the mobile station 10 telephones the bank 38D and wishes to access an account) (col 5, lines 13-28) over a voice network device (see

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column 4, lines 56-67 and see column 5, lines 1-28, access bank account over mobile phone).

As to claim 12, Ulvinen et al. discloses a system comprising: a memory for storing computer program instructions and data (see column 3, lines 46-53); and a processor (see column 3, lines 46-53, operating program implies a processor) coupled to the memory for processing the computer program instructions and data to authorize a user based on biometric identification information associated with the user (see column 1, lines 57-67); and enable the authorized user to communicate information over a voice network device (see column 4, lines 56-67 and see column 5, lines 1-28, access bank account over mobile phone).

As to claim 15, Ulvinen et al. discloses a system comprising: a consumer access device with a communications unit (see column 1, lines 41-48, mobile telephone) and a biometric device to authorize a user access to the device and a storage unit to store private access information associated with the user received from a remote site (see column 3, lines 5367 and see column 4, lines 1-3, SRF usage to make a telephone call; see also col 2, lines 40-51).

As to claim 16, Ulvinen et al. discloses further comprising a communication unit to communicate prespecified information

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upon biometric identification of the authorized user (see column 5, lines 13-28, user can only access his account information with this particular bank).

As to claim 17, Ulvinen et al. discloses further comprising an encrypted communications unit (see column 4, lines 50-53).

As to claim 18, Ulvinen et al. does not teach further comprising automatic receipt and updating of information stored in the consumer access device.

Bisbee et al. teaches wherein the consumer access device allows (i.e. a first certificate ...and time stamps...) (col 3, lines 5-19) automatic receipt and updating of information stored in the consumer access device (see column 12, lines 1-67, a chronicle evidencing the transfer is created, the withdrawal of an offer anytime prior to its acceptance and the transfer of the record can also be seen).

It would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to have modified Ulvinen et al. by the teachings of Bisbee et al. to include automatic receipt and updating of information stored in the consumer access device because it help establishment of a verifiable evidence trail, or chain of custody, by date and time stamping (Bisbee, col 3, lines 5-19).

As to claim 19, Ulvinen et al. discloses further comprising establishing a secure communication link with the consumer access device before allowing transfer of information (i.e. performed in a mobile station having a speech transducer for inputting the user's speech, while in another embodiment at least one of the steps of selecting or synthesizing, prompting, and authenticating are performed in a wireless telecommunications network that is coupled between the mobile station and a telephone network) (Abstract).

As to claim 20, Ulvinen et al. discloses further comprising wireless communications unit (see column 3, lines 1-22).

As to claim 21, Ulvinen et al. discloses an apparatus comprising: means for biometric identification to authorize a user (see column 3, lines 52-67, Fig. 1 SRF 29); means for displaying information to the authorized user (see column 3, lines 34-52, Fig. 1 display 20); means for accepting authorized user input (see column 3, lines 34-52, Fig. 1 keypad 22); and means for communicating with a remote device (see column 3, lines 11-22, Fig. 1 transmitter 14).

As to claim 22, Ulvinen et al. discloses further comprising: means for communicating via tones (see column 3, lines 1-22, mobile telephone implies communicating via tones).

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As to claim 23, Ulvinen et al. discloses wherein the tones are communicated over a telephony-based system (see column 3, lines 1-22).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is (703) 305-3806. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be

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reached on (703) 305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9000 for regular communications and (703) 305-9000 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9001.



Diane D. Mizrahi
Primary Patent Examiner
Technology Center 2100

May 13, 2004